August 20, 2001

TELECOMMUNICATIONS PROPOSAL
SUMMARY OF CHANGES FROM EXISTING CODE

Following are the main proposed changes to the Land Use Code:

General Provisions

- Require removal of unused telecommunication equipment (poles, antennas, etc.).
- Allow co-location of minor communication utilities on existing major communication utilities to reduce the potential for more monopoles.
- Permit interior facilities outright in all zones, except in single family structures in SF zones, as long as it does not result in loss of residential units.

Development Standards

- Eliminate the 10 foot from property line setback requirement in Single Family and Commercial zones. The current code has led to the need for taller facilities if they are required to locate back from the edge of the building. And the proposed visual impact standards (see below) encourage incorporation into the architecture of the building, and this would often be easier if it is incorporated into the parapet at the building's edge.
- Incorporate rooftop open space provisions (which are already in Lowrise zones) into Midrise, Highrise and Downtown zones; these provisions require specified separation between transmitting antennas and required open space located on rooftops.
- Limit minor communication utilities/accessory devices in Commercial zones to 15 feet above the height of the building or 15 feet above the height limit, whichever is less; the current code permits facilities to go 15 feet above the height limit; the proposed regulations are designed to prevent "monopoles" on top of short buildings.
- Also limit minor communication utilities/accessory devices Downtown to 15 feet above the height of the building or 15 feet above the height limit, whichever is less. However, such facilities and accompanying screening could be permitted through design review as long as the height of the utility does not exceed ten percent of the maximum height of the zone.

Visual Impacts

A new code section is devoted entirely to addressing and mitigating visual impacts and establishing design standards for telecommunication devices and infrastructure. See proposed Section 23.57.016 in Attachment A. In addition, the current code requires measures, such as screening, to mitigate visual impacts only in cases where telecommunication facilities are to be located adjacent to or across a street from a public park or residentially zoned lot. The new regulations would require that visual impacts be addressed in all zones. These standards could be varied through a design review process.

Type of Approval Required and Approval Criteria, By Zone

Single Family Zones Facilities to be located on single family houses would still have to obtain a Council Conditional Use (CCU) Permit as required by the current code. The proposed regulations require that such a use would only be permitted if it can be demonstrated that the location on the specific site is required to fill a gap in wireless services. The actual proposed language is shown in Attachment A. Facilities to be located on all other locations (vacant land, institutions, non-conforming commercial, etc.) would only need Administrative Conditional Use (ACU) approval; the current code provides for ACU approval only on an existing utility or public facility; CCU everywhere else.

Lowrise, Midrise and Highrise Zones Proposed revised criteria for ACU approval in these zones is included in Attachment A.

Commercial Zones It is proposed than an ACU be required anywhere in Neighborhood Commercial (NC), Commercial (C), and Cascade Mixed zones for minor communication utilities that would exceed the height limit of the zone and for free standing transmission towers. The existing code only requires an ACU if the facility would exceed the height limit anywhere in NC zones and next to single family zones in C zones.

Pike Market Mixed, Pioneer Square Mixed, and International District zones Continue to prohibit major communication utilities, while permitting minor communication utilities; up to 4 feet additional height above the roof is permitted outright, while greater height would require an ACU approval. Current requirements for a Department of Neighborhoods Certificate of Approval are unchanged

Major Institutions Allow an ACU for major institutions with underlying residential zoning even if telecommunication facilities are larger than that permitted in the residential zone; the antenna must be 100 feet from the Major Institution Overlay district boundary and be substantially screened from the surrounding neighborhood's view. An ACU would not be required if a Major Institution Master Plan has been adopted that addresses telecommunication facilities.

Definitions and Exemptions

- Expanded or modified definitions, development regulations and review criteria are included for Personal Wireless Facilities, Fixed Wireless Service, Amateur Radio Towers, Dish Antennas, Minor Communication Utilities, Accessory Communication Devices, Freestanding Transmission Towers, Utility Service Use, and all other telecommunication devices and infrastructure regulated under the SMC. In general, federal definitions are used where appropriate.
- Exemptions from the regulations reflect federal preemptions on the type and size of antennas or services which local governments are permitted to regulate.

Other

- Amend the SEPA "Environmental Health" policy to incorporate the FCC preemption over radiofrequency emissions for personal wireless facilities.

Shorelines

- Regulations would distinguish between major and minor communication utilities and accessory communication devices throughout the shoreline ordinance.
- Major communication utilities would continue to be prohibited in the shoreline.
- Minor communication utilities and accessory communication devices (except free standing transmission towers) would be permitted only in shoreline environments where non-water dependent commercial uses are already permitted (Urban Stable, Urban Harborfront, Urban Maritime, Urban General, Urban Industrial).
- Urban Harborfront provisions are modified to reflect height limits downtown. (Minor communication utilities/accessory devices limited to 15 feet above the height of the building or 15 feet above the height limit, whichever is less.)

ATTACHMENT A

23.57.016 Visual Impacts and Design Standards

A. Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Cohesiveness shall be established with key elements of the design.

B. If mounted on a pitched roof, facilities shall be screened by materials incorporated in the pitch of the roof and matching color and texture as closely as possible, or integrated with and enclosed within structures such as dormers or gables compatible with the roof design.

C. If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Screening for satellite dishes is addressed in subsection E, below. Said screening shall be integrated with architectural design, material, shape and color. Siting shall be near the center of the roof if in a separate screened enclosure, or mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures and at a sufficient distance below the top to avoid being silhouetted.

D. Facilities that are side-mounted on buildings shall be integrated with architectural elements such as window design or building decorative features, or screened by siding or other materials matching the building exterior, or otherwise be integrated with design, material, shape, and color so as to not be visibly distinctive. In general, antennas shall be as unobtrusive as practicable, including the use of non-reflective materials. Installations on the primary building façade shall be allowed only if roof, ground-mounted, or secondary façade mounted installation is technically unfeasible.

E. Satellite dishes shall be screened to the top of the dish on at last three (3) sides and shall be enclosed in the direction of the signal to the elevation allowed by the azimuth of the antenna. If screening on the remaining side is not to the top of the antenna, the antenna and the inside and outside of the screen shall be painted the same color to minimize visibility and mask the contrasting shape of the dish with building or landscape elements.

F. New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.

G. Antennas mounted on permitted accessory structure, such as a free standing sign, shall be integrated with design, material, shape and color and shall not be visibly distinctive from the structure.

H. A screen for a ground-mounted dish antennas shall be a minimum six feet (6’) tall and shall extend to the top of the dish. The screen may be in the form of a view-obscuring fence, wall or hedge that shall be maintained in good condition. Chain link, plastic or vinyl fencing/screening is prohibited.

I. Antennas attached to a public facility, such as a water tank, shall be integrated with the design, material, shape and color of, and shall not be visibly distinctive from, the public facility. Antennas attached to City-owned poles shall follow the terms and conditions contained in Section 15.32.300.

J. The standards set forth in this Section 23.57.016 may be varied as follows:

1. For new buildings these standards may be varied through the design review process provided for in Section 23.41.014.

2. For existing buildings that have previously gone through the design review process these standards may be varied by the Director if the Director determines that the new minor communication facilities would be consistent with the Director's design review decision on the original building; otherwise, these standards may be varied through the administrative design review process provided for in Section 23.41.016.

3. For existing buildings that have not previously gone through the design review process these standards may be varied through the administrative design review process provided for in Section 23.41.016.

Significant Gap Provisions

The following new section (23.57.009A) is proposed to address the issue of the need of the City (because of federal regulations) to permit facilities that will fill a "significant gap" in the provision of wireless services.

> Minor communication utilities shall be permitted at any location if the applicant can demonstrate by technical studies that 1) the facility is for commercial mobile service, unlicensed wireless services, fixed wireless service, or common carrier wireless exchange access service as defined by applicable federal statutes or regulations; 2) a facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of wireless communication service and that, absent the proposed facility, remote users of wireless service are unable to connect with the land-based national telephone network, or to maintain a connection capable of supporting a reasonably uninterrupted communication; and 3) that the facility and the location proposed is the least intrusive facility at the least intrusive location consistent with effectively closing the service gap. In considering the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic and the displacement of residential dwelling units in a residential zone.

Minor Communication Utilities Conditional Use Criteria

Single Family Zone -- on lot with Single Family House – Requires Council Conditional Use (CCU)	
Basic criteria	• Prohibited except if a personal wireless facility meets the criteria contained in section 23.57.009A • In addition, if located on a lot developed with a single family dwelling, the proposed minor communication utility must be clearly incidental to the use of the property as a dwelling
Additional criteria if proposal would exceed height limit	• The requested height is the minimum necessary for the effective functioning of the minor communication utility • Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive facilities is not technically feasible.
Additional criteria if proposal is a transmission tower	• That the facility cannot be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive facilities, shall be considered.

Single Family Zone - On vacant lot, or on same lot but not accessory to institutions, public facilities, or major institutions -- Requires Administrative Conditional Use (ACU)	
Basic criteria	• The minor utility shall not be significantly detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units. • The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable. • Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when: a.) the antenna is at least one hundred feet (100') from a MIO boundary, and b.) the antenna is substantially screened from the surrounding neighborhood's view.
Additional criteria if proposal would exceed height limit	• The requested height is the minimum necessary for the effective functioning of the minor communication utility • Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive facilities is not technically feasible.
Additional criteria if proposal is a transmission tower	• That the facility cannot be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive facilities, shall be considered.

Lowrise, Midrise, Highrise Zone – all projects require ACU	
Basic criteria	• The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units. • The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable. • Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when: a.) the antenna is at least one hundred feet (100') from a MIO boundary, and b.) the antenna is substantially screened from the surrounding neighborhood's view.
Additional criteria if proposal would exceed height limit	• The requested height is the minimum necessary for the effective functioning of the minor communication utility • Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive facilities is not technically feasible.
Additional criteria if proposal is a transmission tower	• That the facility cannot be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive facilities, shall be considered.

Commercial (NC and C) Zones – project requires an ACU only if it is a transmission tower or would exceed the height limit; other facilities are permitted outright	
Basic criteria	• The proposal shall not result in a significant change in the pedestrian or retail character of the commercial area
Additional criteria if proposal would exceed height limit	• The requested height is the minimum necessary for the effective functioning of the minor communication utility • Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive facilities is not technically feasible.
Additional criteria if proposal is a transmission tower	• That the facility cannot be employed at an alternative location on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive facilities, shall be considered.